REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims 1-24. Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons.

Response to Rejections under 35 U.S.C. 103

Claims 1, 3-7, 9-13, 15-19, and 21-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jenkins et al (Pub. No.: 2002/0188499). Claims 2, 8, 14 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jenkins et al in view of Borders et al. (US Patent, No.: 7139721). Applicant respectfully requests reconsideration and withdrawal of these rejections.

In order for a claim to be properly rejected under 35 U.S.C. §103(a), the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., In re Dow Chemical, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); In re Keller, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Among the rejected claims, claims 1, 7, 13, and 19 are independent claims. Claims 7, 13 and 19 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the independent claim 1.

The Office Action (page 2) states that Jenkins teaches "method of dynamic customer demand forecasting" in paragraph [0002]. Applicant notes that, instead, Jenkins teaches 'a system and method for *ensuring manufacturing order fulfillment*', and 'a system and method for *responding to supply conflicts*, such as unexpected delays in production, by

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rerouting and reapplying resources'. (see e.g., paragraph [0002], emphasis added). However, one of ordinary skill in the art would not interpret the teachings of 'responding to supply conflicts by rerouting and reapplying resources' as the claimed "dynamic customer demand forecasting".

The Office Action (page 2) also states that Jenkins discloses "inputting at least one forecast rule" in paragraph [0028], lines 1-4 and paragraph [0029], lines 1-3. However, according to Jenkins, "In one embodiment, a user, when employing an external execution system to release production orders and vendor orders, may use a scheduling component 220 to provide input to that system" (paragraph [0028], lines 1-4); and "After a planning period has begun, it can be assumed that the demand that was forecast for the period has begun to be realized." (paragraph [0029], lines 1-3).

First, one of ordinary skill in the art would interpret the phrase: "a user, when employing an external execution system to release production orders and vendor orders, may use a scheduling component 220 to provide input to that system" as disclosing a scheduling component 220 for inputting production orders and vendor orders. Simply stated, the "forecast rule" of claim 1 is not comparable to the disclosed "production orders and vendor orders," nor does the feature of "inputting production orders and vendor orders" properly disclose the claimed operation of "inputting at least one forecast rule."

Second, one of ordinary skill in the art would interpret the phrase: "After a planning period has begun, it can be assumed that the demand that was forecast for the period has begun to be realized" as disclosing that the demand has begun be realized after a planning period has begun. However, whether the demand has begun to be realized has nothing to

do with the "forecast rule" of claim 1. Accordingly, paragraph [0029] of Jenkins does not teaches the claimed operation of: "inputting at least one forecast rule" of claim 1.

The Office Action (page 2) also states that Jenkins discloses "accumulating forecasted demand" in paragraph [0030], lines 7-10, and discloses 'selecting a highest hit rate from the forecast hit rate'. The Office Action (page 3) further states that "It is common knowledge in the prior art to calculate (*i.e.,* accumulate) a forecast hit rate (*i.e.,* orders) corresponding to a forecast rule when accumulating forecasted demand."

According to Jenkins (paragraph [0030], lines 7-10), "The planning component 210 then accumulates forecasted demand--that is, the portion of the allocated forecast that occurs during the proration period for all forecast records." In other words, according to Jenkins, "forecasted demand" is "the portion of the allocated forecast that occurs during the proration period for all forecast records."

In contrast, according to claim 1, each "forecast hit rate" corresponds to a forecast rule. One of ordinary skill in the art would not construe the "forecasted demand" (*i.e.,* the portion of the allocated forecast that occurs during the proration period for all forecast records) disclosing the "forecast hit rate" corresponding to a forecast rule. In fact, Jenkins teaches nothing about the forecast rule of the claimed embodiment, and certainly doesn't disclose calculating the forecast hit rate corresponding to the forecast rule.

For at least the foregoing reasons, the rejection of claim 1 should be withdrawn. As independent claims 7, 13, and 19 were rejected on the same basis as claim 1, the rejections of these claims should be withdrawn for the same reasons. Insofar as all remaining claims depend from either claim 1, 7, 13, or 19, the rejections of all claims

should be withdrawn for the same reason. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

For at least the foregoing reasons, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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